



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 30, 2004

S. 297

Federal Acknowledgment Process Reform Act of 2004

As ordered reported by the Senate Committee on Indian Affairs on June 16, 2004

SUMMARY

S. 297 would authorize the Department of the Interior (DOI) to make various changes to the government's process for acknowledging Indian tribes. The bill would:

- Establish an Independent Review and Advisory Board to assist with acknowledgment determinations,
- Provide grants to petitioners and interested parties to offset costs of the acknowledgment process,
- Establish a Federal Acknowledgment Research Pilot Project to help review petitions for recognition, and
- Exempt acknowledgment petitions from Freedom of Information Act (FOIA) requests.

CBO estimates that implementing S. 297 would cost \$44 million over the 2005-2009 period, subject to the appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

S. 297 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no direct costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

CBO estimates that implementing the changes authorized by S. 297 would cost \$44 million over the next five-year period, subject to appropriation of the necessary amounts. The estimated budget impact of this bill is shown in the following table. The costs of this bill fall within budget function 450 (community and regional development).

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Changes to Federal Tribal Acknowledgment Process					
Authorization Level	5	5	5	5	5
Estimated Outlays	5	5	5	5	5
Grants for Petitioners & Interested Parties					
Estimated Authorization Level	2	2	2	2	2
Estimated Outlays	1	2	2	2	2
Federal Acknowledgment Research Pilot Project					
Authorization Level	3	3	0	0	0
Estimated Outlays	3	3	0	0	0
Reimbursement to Attorney General					
Authorization Level	1	1	1	1	0
Estimated Outlays	1	1	1	1	0
Total Changes					
Estimated Authorization Level	11	11	8	8	7
Estimated Outlays	10	11	8	8	7

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 297 will be enacted near the beginning of fiscal year 2005 and that outlays will follow historical patterns of similar programs.

Changes to Federal Tribal Acknowledgment Process

Section 4 would authorize the appropriation of \$5 million for each fiscal year through 2013 to support DOI's tribal acknowledgment process. The agency currently spends about \$1 million a year on this activity. Assuming appropriation of the specified amounts, CBO estimates this provision would cost \$5 million annually and \$25 million over the 2005-2009 period.

Grants for Petitioners and Interested Parties

Subsection 6(b) would authorize the appropriation of amounts necessary to provide grants to offset costs incurred by an Indian group or interested party in supporting or opposing a petition for tribal recognition. Based on information from the Bureau of Indian Affairs, CBO estimates that about 10 new petitions will be filed for tribal recognition each year. Assuming grants of approximately \$200,000 per petition to petitioners and interested parties, CBO estimates a total cost of \$1 million in 2005 and \$2 million annually thereafter for an estimated cost of \$9 million over the 2005-2009 period.

Federal Acknowledgment Research Pilot Project

Section 6(c) would authorize the appropriation of \$3 million for each of fiscal years 2004 through 2006 to provide grants to institutions that participate in a pilot project designed to help DOI review tribal recognition petitions. CBO estimates that implementing this provision would cost \$6 million over the 2005-2006 period, assuming appropriation of the specified amounts.

Reimbursement to Attorney General

Section 7(c) would authorize the appropriation of \$1 million to the Department of Justice (DOJ) for each of fiscal years 2004 through 2008 for assistance with requests for information relating to tribal recognition petitions. This section would declare FOIA inapplicable to the recognition process until DOI completes its review. It also would allow DOI to request help from DOJ in responding to any FOIA requests concerning tribal recognition. CBO estimates that implementing this provision would cost \$4 million over the 2005-2008 period, assuming appropriation of the authorized funds.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 297 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no direct costs on state, local, or tribal governments. A decision by the federal government to acknowledge an Indian tribe may significantly affect neighboring communities, including other tribes, but CBO cannot predict whether or how this legislation would affect the outcome of any particular case. It is likely, however, to shorten the process leading up to those decisions. The bill could benefit affected local governments as well as tribes by authorizing grants, which would be available both to tribes seeking acknowledgment and to other interested parties.

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